REMARKS

Claims 1-20 are pending in the present application. Claims 1-20 were rejected in the Office Action Made Final of August 2, 2006 ("the Final Rejection").

Applicant respectfully requests that the Examiner address each and every point herein to place the application in condition for appeal.

Claims 14-17

Was it a typographical error not to include Ohsuge in the obviousness rejection? Applicant notes that independent claims 3 and 4 were rejected by combining Goh in view of Ohsuge. Please clarify this rejection.

Claims 3-6, 10, 11 and 14-20

Independent claim 3 and independent claim 4 recite, in part, "wherein the uplink and downlink data frames are selectively recorded *based on data content analysis* of each uplink and downlink data frame" (italics added).

In the Final Rejection, the Examiner maintained the obviousness rejection of independent claim 3 and independent claim 4 over Goh in view of Ohsuge. In particular, the Examiner admitted that Goh did not teach at least these elements and instead relied upon the teachings of Ohsuge.

Applicant respectfully draws the attention of the Examiner to the recited claim language of independent claim 4. In particular, frames are selectively recorded *based on data content analysis*. Applicant argued that Ohsuge did not teach selective recording based on data content analysis. In fact, Applicant noted that "Ohsuge does not appear to engage in data content analysis". Response of June 9, 2006 at page 7.

Does Ohsuge teach that frames are selectively recorded *based on data content analysis*?

The Examiner made an admission with regard to the teachings Ohsuge. On page 2 of the Final Rejection, the Examiner admits that "it is not necessary to analyze the data from the downlink because the data has been encoded from the other end". The Final Rejection at page 2 (underlining added).

Accordingly, the Examiner is admitting that, in view of the teachings of Ohsuge, it is not necessary to analyze data content. In other words, not only does Ohsuge not teach analyzing data content, but there is no motivation or suggestion in Ohsuge for analyzing data content since "the data has been encoded from the other end". The Final Rejection at page 2.

Thus, according to the Examiner, either Ohsuge does not teach the elements as recited in independent claim 3 and independent claim 4, or there is no motivation or suggestion in Ohsuge for analyzing data content for the reasons admitted to in the Final Rejection. In either event, the Examiner has successfully rebutted the alleged *prima facie* case of obviousness.

Accordingly, the obviousness rejection of independent claim 3 and independent claim 4 and their respective dependent claims should be withdrawn.

Claims 18 and 19

Applicant would appreciate the Examiner's response with respect to the rebuttal evidence and argument that Applicant provided with respect to claim 18 on pages 8 and 9 of the Response of June 9, 2006. Applicant respectfully reproduces the rebuttal evidence and arguments below.

> Claim 18 and 19 depend from claim 3. Accordingly, the arguments made with respect to claim 3 and Goh and Ohsuge are made with respect to dependent claims 18 and 19.
>
> In the Office Action, the Examiner also alleges that Haimi-Cohen teaches "wherein data content analysis includes a determination of data content level" and "wherein the data content analysis includes a determination of voice activity". In particular, the Examiner alleges that Haimi-Cohen teaches these elements from col. 4, line 66 to col. 5, line 25.
>
> The Examiner is reminded that claim 18 depends from claim 3. Thus, the combination of claims 18 and 3 would recite that the uplink and downlink data frames are selectively recorded based on data content analysis, (wherein the data content analysis includes a determination of data content level), of each uplink and downlink data frame.
>
> With respect to Haimi-Cohen, the Examiner is referring to the voice activity detector (VAD) 130 illustrated in FIG. 4 of Haimi-Cohen. As previously discussed in the Amendment of November 28, 2005 at pages 7 and 8, which the Examiner is respectfully requested to carefully peruse and to incorporate herein in its entirety, the VAD 130 is included in the playback module 106 which controls playback of already recorded speech packets in the non volatile memory 110, and not in a record module 104 which controls the recording of speech packets. Thus, Haimi-Cohen's VAD does not affect the speech packets that are recorded, but

simply affects which speech packets are played back by the playback module. This is in stark contrast to, for example, combination of claims 18 and 3.

A similar argument is also made with respect to claim 19 which also depends from claim 3.

Response of June 9, 2006 at pages 8 and 9.

For at least the above reasons, it is respectfully requested that the obviousness rejection be withdrawn with respect to claims 18 and 19.

<u>Claims 1, 2, 7-9, 12 and 13</u>

For completeness, Applicant's arguments made with respect to claim 1 and its rejected dependent claims are incorporated herein in their entirety from the Response of June 9, 2006.

In the Final Rejection, the Examiner interpreted "a different set of data frames" as set forth in independent claim 1 as "frames between uplink and downlink data in which is full disclosed in the Ohsuge reference" as set forth in the Final Rejection at page 2.

A. It is respectfully noted that claim elements should be interpreted from the point of view of one of ordinary skill in the art. It is respectfully requested that the Examiner provide the basis, presumably in Ohsuge or other documents of record, for the Examiner's interpretation.

B. It is respectfully requested that the Examiner more fully explain "which is full disclosed in the Ohsuge reference". Is there a particular paragraph in the written description or a particular component in the drawings of Ohsuge upon which the Examiner alleges teaches "a different set of data frames"?

Applicant is honestly having trouble understanding the Examiner's interpretation and the Examiner's interpretation as applied to Ohsuge. Further guidance from the Examiner would be gratefully appreciated.
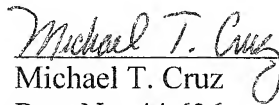
Conclusion

In view of at least the foregoing, it is respectfully submitted that the pending claims 1-20 are in condition for allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge additional fees or credit overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Dated: October 2, 2006   Respectfully submitted,

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